

रजिस्टर्ड नं० एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 24 जून, 1976/3 आषाढ़, 1898

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT NOTIFICATIONS

Simla-171002, the 22nd June, 1976

No. [6-31/69-LR.—The Himachal Pradesh Repealing Bill, 1975 (Bill No. 21 of 1975) after having received the assent of the Governor, Himachal Pradesh, on the 14th June, 1976, under Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 26 of 1976.

M. C. PADAM,
Under Secretary (Judicial).

Act No. 26 of 1976.

THE HIMACHAL PRADESH REPEALING ACT, 1976

AN

ACT

to repeal certain enactments.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India, as follows:—

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|-------------------------------|--|
| Short title | 1. This Act may be called the Himachal Pradesh Repealing Act, 1976. |
| Repeal of certain enactments. | 2. The enactments specified in the Schedule are hereby repealed. |
| Savings | <p>3. The repeal by this Act of any enactment shall not,—</p> <p>(a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; or</p> <p>(b) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force; or</p> <p>(c) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or</p> <p>(d) affect any right, title, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or</p> <p>(e) affect any remedy or proceeding in respect thereof, or any release or discharge of, or from, any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing under any enactment so repealed; or</p> <p>(f) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same, respectively, may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed; or</p> <p>(g) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or</p> <p>(h) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid;</p> |

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

THE SCHEDULE

(See section 2)

Year 1	Number 2	Short title 3	Extent of repea 4
1883	20	The Punjab District Boards Act, 1883 in its application to the State of Himachal Pradesh.	The whole.
1916	1	The Punjab Military Transport Act, 1916 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1927	3	The Punjab District Boards (Tax Validating) Act, 1927 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1947	9	The East Punjab Local Authorities (Restrictions of Functions) Act, 1947 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1948	13	The East Punjab (Exchange of Prisoners) Act, 1948 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1948	29	The East Punjab Special Tribunal (Continuance) Act, 1948 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1949	10	The East Punjab Damaged Areas Act, 1949 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1949	15	The East Punjab Conservation of Manure Act, 1949 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1949	19	The East Punjab Improved Seeds and Seedlings Act, 1948 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1950	10	The Punjab Special Tribunal (Change of Composition) Act, 1950 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1950	12	The Punjab Local Authorities (Provision of Stalls for Displaced Persons) Act, 1950 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1941	7	The Punjab Forward Contracts Tax Act, 1951 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.

1	2	3	4
1951	10	The Punjab Development of Damaged Areas Act, 1951 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1953	40	The Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1955	27	The Punjab District Boards (Tax Validating) Act, 1955 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1956	31	The Scheduled Areas Traders (Facilities for Loans) Act, 1956 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1957	8	The Industrial Disputes (Punjab Amendment) Act, 1957 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1957	9	The Industrial Disputes (Amendment and Miscellaneous Provisions) (Punjab Amendment) Act, 1957 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1958	8	The Punjab Textiles and Sugar (Existing Stocks) Purchase Tax and Miscellaneous provisions Act, 1958 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1959	22	The Punjab Local Authorities (Aided Schools) Act, 1959 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1959	27	The Punjab Co-operative Sugar Mills (Further Extension of Tenure of Boards) Act, 1959 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1959	34	The Essential Commodities (Punjab Amendment) Act, 1959 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole.
1960	25	The Punjab Non-Trading Companies Act, 1960 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1960.	The whole.
1969	18 of 1970.	The Himachal Pradesh Surcharge on Purchase of Forest Produce Act, 1969 as in force in the State of Himachal Pradesh.	The whole.

Simla-171002, the 22nd June, 1976

No. LLR-D(6)15/76.—The Dowry Prohibition (Himachal Pradesh Amendment) Bill, 1976 (Bill No. 31 of 1976) after having received the assent of the President of India on the 11th June, 1976, is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 25 of 1976.

M. C. PADAM,
Under Secretary (Judicial).

Act No. 25 of 1976.

THE DOWRY PROHIBITION (HIMACHAL PRADESH AMENDMENT) ACT, 1976

AN

ACT

to amend the Dowry Prohibition Act, 1961 (Central Act No. 28 of 1961), in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Dowry Prohibition (Himachal Pradesh Amendment) Act, 1976.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

Substitu-
tion of sec-
tion 3.

2. For section 3 of the Dowry Prohibition Act, 1961, in its application to the State of Himachal Pradesh (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

28 of 1961

“3. *Penalty for giving or taking dowry.*—If any person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.”

Substitu-
tion of
section 4.

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. *Penalty for demanding dowry.*—If any person demands, directly or indirectly, from the parents or guardian of a bride or bridegroom or from any other person, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.”

Insertion
of sections
4-A and 4-B.

4. After section 4 of the principal Act, the following sections shall be inserted, namely:—

“4-A. *Bar of certain acts.*—Any person who—

- (i) displays any presents made at the time of marriage in the form of cash, ornaments, clothes or other articles; or
- (ii) gives in the form of ‘shagun’ at the time of ‘thaka’, betrothal or ‘tikka’ anything the value of which exceeds eleven rupees; or
- (iii) gives to the parents or any other relation of a party to the marriage anything on the occasion of ‘milni’ or any other ceremony performed in relation to betrothal or marriage;

shall be punishable with imprisonment for a term which may extend

to six months or with fine which may extend to five thousand rupees, or with both.

4-B. *Penalty for depriving any party of the rights and privileges of marriage.*—(1) If after the marriage, any party to the marriage with or without assistance of any other person deprives the other party of the rights and privileges of marriage or tortures or refuses to maintain the said other party for non-payment of dowry before, during or after marriage, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.

(2) The provisions of this section shall be in addition to and not in derogation of, any provision on the subject contained in any other law for the time being in force.”.

5. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 7.

“7. *Trial of offences.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), no court inferior to that of a Judicial Magistrate of the first class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act, except that of offence under section 4-B, except on a police report or complaint made within one year of the marriage.”.

6. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 8.

“8. *Offences to be cognizable, bailable and non-compoundable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), every offence under this Act shall be cognizable, bailable and non-compoundable.

8-A. *Cognizance of offences.*—No court shall take cognizance of any offence under this Act except on a police report under section 173 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) or a complaint made by a person aggrieved by the offence:

Provided that no police officer of the rank lower than that of the Deputy Superintendent of Police shall investigate any case registered under this Act:

Provided further that no court shall take cognizance of any offence under this Act except with the previous sanction of the District Magistrate, having jurisdiction in the area.”.

7. In section 9 of the principal Act,—

Amendment of section 9.

(a) after the words “Central Government” occurring in sub-section (1) the words “or the State Government with the prior approval of the Central Government” shall be inserted;

- (b) in sub-section (2) after the words "Every rule made" and before the words "under this section" the words "by the Central Government" shall be inserted;
- (c) after sub-section (2), the following sub-section (3) shall be added namely:—

“(3) Every rule made by the State Government under this section shall be laid, as soon as may be, after it is made, before the State Legislature while it is in session for a total period of not less than seven days, which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the sessions immediately following, the Legislature requires any modification in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.